

**59-14-608 License revocation and penalties.**

- (1)
  - (a) The commission may revoke or suspend the license of a stamping agent in the manner provided in Section 59-14-202 if the commission determines that the stamping agent has violated Sections 59-14-604, 59-14-606, or other rule adopted under the provisions of this part.
  - (b) The penalty imposed under Subsection (1)(a) is in addition to or in lieu of any other civil or criminal remedy provided by law.
  - (c) Each stamp affixed and each sale or offer to sell cigarettes in violation of Section 59-14-604, or other rule adopted under the provisions of this part, shall constitute a separate violation.
  - (d) For each violation under Subsection (1)(c), the commissioner may, in addition to the penalty imposed by Subsection (1)(a), impose a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes or \$5,000.
- (2)
  - (a) Any cigarettes that have been sold, offered for sale, or possessed for sale, in this state, or imported for personal consumption in this state, in violation of Section 59-14-604 are:
    - (i) contraband under Section 59-14-213; and
    - (ii) subject to seizure and forfeiture as provided in Section 59-14-213.
  - (b) Cigarettes seized and forfeited under the provisions of this section shall be destroyed and not resold.
- (3)
  - (a) The commission may seek an injunction to:
    - (i) restrain a threatened or actual violation of this part by a stamping agent; or
    - (ii) to compel the stamping agent to comply with this part.
  - (b) In any action brought pursuant to this section, the state is entitled to recover the costs of investigation, costs of the action, and reasonable attorney fees.
- (4) A person who violates Section 59-14-604 engages in an unfair and deceptive trade practice in violation of Title 13, Chapter 5, Unfair Practices Act.

Enacted by Chapter 204, 2005 General Session